

FILED

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2013 DEC 27 AM 10:18

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JED ALEXANDER,
INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

CREDIT PROTECTION
ASSOCIATION I, INC.

Defendant.

Case No.

CV13-09495-ABC

(JEM)

CLASS ACTION

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF
PURSUANT TO THE TELEPHONE
CONSUMER PROTECTION ACT,
47 U.S.C. § 227, ET SEQ.

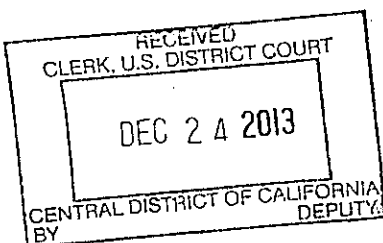
JURY TRIAL DEMANDED

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INTRODUCTION

1
2 1. JED ALEXANDER ("Plaintiff") brings this Class Action Complaint
3 for damages, injunctive relief, and any other available legal or equitable remedies,
4 resulting from the illegal actions of CREDIT PROTECTION ASSOCIATION I,
5 INC. ("Defendant"), in negligently and/or willfully contacting Plaintiff on
6 Plaintiff's cellular telephone, in violation of the Telephone Consumer Protection
7 Act, 47 U.S.C. § 227 et seq., ("TCPA"), thereby invading Plaintiff's privacy.
8 Plaintiff alleges as follows upon personal knowledge as to himself and his own
9 acts and experiences, and, as to all other matters, upon information and belief,
10 including investigation conducted by his attorneys.

11 2. The TCPA was designed to prevent calls like the ones described
12 herein, and to protect the privacy of citizens like Plaintiff. "Voluminous consumer
13 complaints about abuses of telephone technology — for example, computerized
14 calls dispatched to private homes — prompted Congress to pass the TCPA." *Mims*
15 *v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).
16

17 3. In enacting the TCPA, Congress intended to give consumers a choice
18 as to how corporate similar entities may contact them, and made specific findings
19 that "[t]echnologies that might allow consumers to avoid receiving such calls are
20 not universally available, are costly, are unlikely to be enforced, or place an
21 inordinate burden on the consumer. TCPA, Pub.L. No. 102-243, § 11. In
22 support of this, Congress found that

23
24 [b]anning such automated or prerecorded telephone calls to the
25 home, except when the receiving party consents to receiving the call
26 or when such calls are necessary in an emergency situation affecting
27 the health and safety of the consumer, is the only effective means of
28 protecting telephone consumers from this nuisance and privacy
invasion.

1 Id. at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
2 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on
3 TCPA's purpose).

4 4. Congress also specifically found that "the evidence presented to the
5 Congress indicates that automated or prerecorded calls are a nuisance and an
6 invasion of privacy, regardless of the type of call..." Id. at §§ 12-13. See also,
7 *Mims*, 132 S. Ct. at 744.

8 5. As Judge Easterbrook of the Seventh Circuit recently explained in a
9 TCPA case regarding calls to a non-debtor similar to this one:

10 The Telephone Consumer Protection Act ... is well known for its
11 provisions limiting junk-fax transmissions. A less-litigated part of
12 the Act curtails the use of automated dialers and prerecorded
13 messages to cell phones, whose subscribers often are billed by the
14 minute as soon as the call is answered—and routing a call to
15 voicemail counts as answering the call. An automated call to a
16 landline phone can be an annoyance; an automated call to a cell
17 phone adds expense to annoyance.

18 *Soppet v. Enhanced Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012).

19 JURISDICTION AND VENUE

20 6. This Court has federal question jurisdiction because this case arises
21 out of violations of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs.,*
22 *LLC*, 132 S. Ct. 740 (2012).

23 7. Venue is proper in the United States District Court for the Central
24 District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because
25 Defendant is subject to personal jurisdiction in the County of Los Angeles, State
26 of California.

27 ///

28 ///

PARTIES

8. Plaintiff is, and at all times mentioned herein was, a citizen and resident of the State of California. Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (10).

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a corporation whose State of Incorporation and principal place of business is in the State of Texas. Defendant, is and at all times mentioned herein was, a corporation and is a "person," as defined by 47 U.S.C. § 153 (10). Plaintiff alleges that at all times relevant herein Defendant conducted business in the State of California and in the County of Los Angeles, and within this judicial district.

FACTUAL ALLEGATIONS

10. At all times relevant, Plaintiff was a citizen of the County of Los Angeles, State of California. Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (10).

11. Defendant is, and at all times mentioned herein was, a corporation and a "person," as defined by 47 U.S.C. § 153 (10).

12. At all times relevant Defendant conducted business in the State of California and in the County of Los Angeles, within this judicial district.

13. On or about August 2, 2013, the Defendant left a voicemail on Plaintiff's cellular phone which indicated that the Defendant was making an attempt to collect a debt.

14. On or about August 5, 2013 at 15:04, Plaintiff faxed a letter to the Defendant at Fax No. 972-726-7557 which expressly revoked all prior business relationships as defined by the Telephone Consumer Protections Act and expressly revoked any prior consent to call his cellular telephone number ending in 6659.

1 15. On or about August 6, 2013, the Defendant called and left a
2 voicemail on Plaintiff's cellular phone which indicated that the Defendant was
3 making an attempt to collect a debt.

4 16. When Plaintiff did not answer Defendant's call, Defendant left
5 Plaintiff a voicemail message on his cellular telephone which utilized a pre-
6 recorded or artificial voice dialing system requesting a return call.

7 17. This phone call placed to Plaintiff's cellular telephone was placed
8 via an "automatic telephone dialing system," ("ATDS") as defined by 47 U.S.C. §
9 227 (a)(1) as prohibited by 47 U.S.C. § 227 (b)(1)(A).

10 18. The telephone number that Defendant, or its agent called was
11 assigned to a cellular telephone service for which Plaintiff incurs a charge for
12 incoming calls pursuant to 47 U.S.C. § 227 (b)(1).

13 19. These telephone calls constituted calls that were not for emergency
14 purposes as defined by 47 U.S.C. § 227 (b)(1)(A)(i).

15 20. At no time, including as of August 5, 2013, did Plaintiff provide
16 Defendant or its agents with prior express consent to receive phone calls utilizing
17 a pre-recorded, artificial voice or ATDS, pursuant to 47 U.S.C. § 227 (b)(1)(A).

18 21. These telephone calls by Defendant, or its agents, violated 47 U.S.C.
19 § 227(b)(1).
20

21 CLASS ACTION ALLEGATIONS

22 22. Plaintiff brings this action on behalf of himself and on behalf of and
23 all others similarly situated ("the Class").

24 22. Plaintiff represents, and is a member of, the Class, consisting of All
25 persons within the United States who received any telephone call/s from
26 Defendant or its agent/s and/or employee/s to said person's cellular telephone
27 made through the use of any automatic telephone dialing system or with an
28

1 artificial or prerecorded voice within the four years prior to the filing of the
2 Complaint.

3 23. Defendant and its employees or agents are excluded from the Class.
4 Plaintiff does not know the number of members in the Class, but believes the
5 Class members number in the thousands, if not more. Thus, this matter should be
6 certified as a Class action to assist in the expeditious litigation of this matter.

7 24. Plaintiff and members of the Class were harmed by the acts of
8 Defendant in at least the following ways: Defendant, either directly or through its
9 agents, illegally contacted Plaintiff and the Class members via their cellular
10 telephones by using an ATDS or an artificial, pre-recorded voice, thereby causing
11 Plaintiff and the Class members to incur certain cellular telephone charges or
12 reduce cellular telephone time for which Plaintiff and the Class members
13 previously paid, and invading the privacy of said Plaintiff and the Class members.
14 Plaintiff and the Class members were damaged thereby.

15 25. This suit seeks only damages and injunctive relief for recovery of
16 economic injury on behalf of the Class, and it expressly is not intended to request
17 any recovery for personal injury and claims related thereto. Plaintiff reserves the
18 right to expand the Class definition to seek recovery on behalf of additional
19 persons as warranted as facts are learned in further investigation and discovery.

20 26. The joinder of the Class members is impractical and the disposition
21 of their claims in the Class action will provide substantial benefits both to the
22 parties and to the court. The Class can be identified through Defendant's records
23 or Defendant's agents' records.

24 27. There is a well-defined community of interest in the questions of law
25 and fact involved affecting the parties to be represented. The questions of law
26 and fact to the Class predominate over questions which may affect individual
27 Class members, including the following:
28

- a) Whether, within the four years prior to the filing of this Complaint, Defendant or its agents sent any phone calls to the Class (other than a message made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automatic dialing system and/or artificial pre-recorded voice to any telephone number assigned to a cellular phone service;
- b) Whether Plaintiff and the Class members were damaged thereby, and the extent of damages for such violation; and
- c) Whether Defendant and its agents should be enjoined from engaging in such conduct in the future.

28. As a person that received atleast one phone call via ATDS and/or artificial, pre-recorded voice without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of the Class. Plaintiff will fairly and adequately represent and protect the interests of the Class in that Plaintiff has no interests antagonistic to any member of the Class.

29. Plaintiff and the members of the Class have all suffered irreparable harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class action, the Class will continue to face the potential for irreparable harm. In addition, these violations of law will be allowed to proceed without remedy and Defendant will likely continue such illegal conduct. Because of the size of the individual Class member's claims, few, if any, Class members could afford to seek legal redress for the wrongs complained of herein.

30. Plaintiff has retained counsel experienced in handling class action claims and claims involving violations of the Telephone Consumer Protection Act.

31. A class action is a superior method for the fair and efficient adjudication of this controversy. Class-wide damages are essential to induce

1 Defendant to comply with federal and California law. The interest of Class
 2 members in individually controlling the prosecution of separate claims against
 3 Defendant is small because the maximum statutory damages in an individual
 4 action for violation of privacy are minimal. Management of these claims is likely
 5 to present significantly fewer difficulties than those presented in many class
 6 claims.

7 32. Defendant has acted on grounds generally applicable to the Class,
 8 thereby making appropriate final injunctive relief and corresponding declaratory
 9 relief with respect to the Class as a whole.

10
 11 FIRST CAUSE OF ACTION
 12 NEGLIGENT VIOLATIONS OF THE TCPA
 13 47 U.S.C. § 227 ET SEQ.

14 33. Plaintiff incorporates by reference all of the above paragraphs of this
 15 Complaint as though fully stated herein.

16 34. The foregoing acts and omissions of Defendant constitute numerous
 17 and multiple negligent violations of the TCPA, including but not limited to each
 18 and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

19 35. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et
 20 seq, Plaintiff and The Class are entitled to an award of \$1, 500.00 in statutory
 21 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

22 36. Plaintiff and the Class are also entitled to and seek injunctive relief
 23 prohibiting such conduct in the future.

24
 25 SECOND CAUSE OF ACTION
 26 KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE
 27 CONSUMER PROTECTION ACT
 28 47 U.S.C. § 227 ET SEQ.

1
2 37. Plaintiff incorporates by reference all of the above paragraphs of this
3 Complaint as though fully stated herein.

4 38. The foregoing acts and omissions of Defendant constitute numerous
5 and multiple knowing and/or willful violations of the TCPA, including but not
6 limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et
7 seq.

8 39. As a result of Defendant's knowing and/or willful violations of 47
9 U.S.C. § 227 et seq, Plaintiff and The Class are entitled to an award of \$1,500.00
10 in statutory damages, for each and every violation, pursuant to 47 U.S.C. §
11 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

12 40. Plaintiff and the Class are also entitled to and seek injunctive relief
13 prohibiting such conduct in the future.
14

15
16 **PRAYER FOR RELIEF**

17 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and The
18 Class members the following relief against Defendant:

19
20 **FIRST CAUSE OF ACTION**
21 **NEGLIGENT VIOLATIONS OF THE TCPA**
22 **47 U.S.C. § 227 ET SEQ.**

23 • As a result of Defendant's negligent and/or willful violations of 47
24 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class member \$1, 500.00
25 in statutory damages, for each and every violation, pursuant to 47 U.S.C. §
26 227(b)(3)(B).

27 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
28 such conduct in the future.

• Any other relief the Court may deem just and proper.

1
2 SECOND CAUSE OF ACTION
3 KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE
4 CONSUMER PROTECTION ACT
5 47 U.S.C. § 227 ET SEQ.

6 • As a result of Defendant's negligent violations of 47 U.S.C. §
7 227(b)(1), Plaintiff seeks for himself and each Class member \$1, 500.00 in
8 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
9 227(b)(3)(B).

10 • Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
11 such conduct in the future.

12 • Any other relief the Court may deem just and proper.

13 TRIAL BY JURY

14 Pursuant to the seventh amendment to the Constitution of the United States of
15 America, Plaintiff is entitled to, and demands, a trial by jury.

16
17
18 Respectfully submitted December , 2013.

19
20
21
22 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

23
24
25 By: 

26 Todd Friedman
27 Law Offices of Todd Friedman, P.C.
28 Attorney for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Audrey B. Collins and the assigned Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

2:13-CV-9495-ABC (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

December 27, 2013

Date

By MDAVIS

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Todd M. Friedman, Esq.
 Law Offices of Todd M. Friedman, P.C.
 369 S. Doheny Dr., #415
 Beverly Hills, CA 90211
 Phone: 877-206-4741
 Fax: 866-633-0228

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JED ALEXANDER, *Individually and on behalf*
of all others similarly situated

PLAINTIFF(S)

v.

CREDIT PROTECTION ASSOCIATION I, INC.,

DEFENDANT(S):

CASE NUMBER

CV 13-09495-ABC JEM

SUMMONS

TO: DEFENDANT(S): CREDIT PROTECTION ASSOCIATION I, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Todd M. Friedman, whose address is Law Offices of Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC 27 2013

By: MARILYN DAVIS

Deputy Clerk

(Seal of the Court)



1227

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)
Jed AlexanderDEFENDANTS
Credit Protection Association I, Inc.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Attorneys (If Known)

Todd M. Friedman, Esq, Law Offices of Todd M. Friedman, P.C.
369 S. Doheny Dr., #415, Beverly Hills, CA 90211

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
47 U.S.C. 227 Violation of the Telephone Consumer Protection Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Allen Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number:

CV 13-09495

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Texas

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date December 17 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))